

STATE OF MICHIGAN
IN THE COURT OF APPEALS

ROBERT DAVIS,
Plaintiff-Appellant,

v

Court of Appeals No.
Court of Claims No. 20-99-MM
HON. CYNTHIA STEPHENS

JOCELYN BENSON, in her official
capacity as the duly elected Michigan
Secretary of State,
Defendant-Appellee.

Robert Davis, *In Pro Per*
Plaintiff-Appellant
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APPELLANT'S EMERGENCY MOTION TO EXPEDITE APPEAL
PURSUANT TO MCR 7.213(C)(4)

NOW COMES APPELLANT, ROBERT DAVIS (“Appellant”), in his own proper person, and for his Emergency Motion To Expedite Appeal Pursuant To MCR 7.213(C)(4), states and alleges the following:

Prior to filing this Emergency Motion, Appellant sought concurrence from counsel for the Defendant Jocelyn, but concurrence was not timely received, making the filing of this Emergency Motion necessary.

The merits of the instant appeal need to be determined **on or before Friday, September 4, 2020**. Appellant is prepared to file his Brief on Appeal with the Court **by the close of business on Wednesday, August 26, 2020**.

Expedited consideration is warranted in this election-related matter because the Defendant-Appellee Secretary of State has ***again*** begun the unlawful practice of mailing **unsolicited** absentee voter **applications** to registered voters for the upcoming November 3, 2020 presidential general election in violation of Michigan Election Law.

It has become readily apparent that certain political factions within this State are seeking to circumvent and violate binding precedent established by this Court in order to further their own

political agendas. Prior to the August 4, 2020 primary election, Appellee Secretary of State, Jocelyn Benson, unlawfully mailed **unsolicited** absentee voter **applications** to Plaintiff and to other registered voters in the state in **certain communities**. However, contrary to published media reports, the Secretary of State did **not** mail unsolicited absentee voter applications to all registered voters in the state. Rather, the Secretary of State only mailed **unsolicited** absentee voter **applications** to registered voters in certain communities, which included the City of Highland Park, the city where Plaintiff resides. (See **Email from Asst. Attorney General Meingast to Plaintiff Davis attached hereto as Exhibit A**). For instance, the Secretary of State did not mail **unsolicited** absentee voter **applications** to registered voters in the City of Detroit. Rather, the Detroit City Clerk unlawfully mailed **unsolicited** absentee voter **applications** to registered voters in the City of Detroit for the August 4, 2020 primary election. (**Exhibit A**).

Today, Court of Claims Judge Cynthia Stephens entered an opinion and order granting Appellee Secretary of State's motion for summary disposition. As a result of this ruling, Appellee Secretary of

State has the “green” light to once again mail unsolicited absentee voter applications for the impending November 3, 2020 general election. Just a week or so ago, Appellee Secretary of State announced that she would **again** begin mailing **more unsolicited** absentee voter **applications** to the Plaintiff and other registered voters in the state for the upcoming November 3, 2020 general election. This mailing was scheduled to commence on August 20, 2020.¹

Appellant Davis, who is also a state employee, was told confidentially by a political insider that the Appellee Secretary of State’s postcard mailing would include **unsolicited** absentee voter **applications** for registered voters to fill out and send back to their respective local city or township clerks. It is important to inform the Court, that this was the same political insider that previous advised and informed the Plaintiff of Appellee Secretary of State’s and certain local city clerk’s intentions to unlawfully mail **unsolicited** absentee voter **applications** to registered voters prior to the August 4, 2020

¹ See https://www.michigan.gov/sos/0,4670,7-127-1640_9150-536718--m_2016_1,00.html; see also Detroit News article <https://www.detroitnews.com/story/news/politics/2020/08/13/benson-set-mail-postcards-urging-4-4-million-voters-vote-absentee/5581395002/>

primary election. The Michigan Secretary of State's actions of mailing **unsolicited** absentee voter **applications** to registered voters, including the Plaintiff, violate this Court's holding in *Taylor v Currie*, 277 Mich.App. 85; 743 NW2d 571 (2007) and this Court's recent holding in *League of Women Voters of Michigan v Secretary of State*, ___ Mich.App.___; ___ NW2d___ (2020), issued July 14, 2020 (Docket No.353654).

Our Michigan Supreme Court has recognized the importance of election-related cases and has so required that election-related cases are heard in an expedited manner. See *Scott v Director of Elections*, 490 Mich 888, 889; 804 NW2d 119 (2011). Additionally, MCR 7.213(C)(4) also requires this Court to expedite appeals from all cases involving election-related issues. See *Davis v Wheeler*, unpublished order of the Court of Appeals, entered January 8, 2009 (Docket No. 288016) (The Court granted plaintiff/appellant's motion to expedite this appeal because it involved election-related issues).

Accordingly, pursuant to MCR 7.213(C)(4), Appellant respectfully requests this Honorable Court to grant expedited briefing of Appellant's instant appeal so that the merits of this case can be adjudicated on an

timely basis in view of the exigencies of the November 3, 2020 presidential general election. See *Scott v Director of Elections*, 490 Mich 888, 889; 804 NW2d 119 (2011).

CONCLUSION

WHEREFORE, for the foregoing reasons, Appellant prays that this Honorable Court GRANT Appellant's motion to expedite the instant appeal so that the merits of this appeal can **be decided by this Court on or before Friday, September 4, 2020.**

DATED: August 25, 2020

Respectfully Submitted,

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PROOF OF SERVICE

Robert Davis certifies that on August 25, 2020, he served Appellant's Claim of Appeal and this Proof of Service via the Court's MiFile Electronic Case Filing System, which will electronically serve the registered attorneys of record.

Dated: August 25, 2020

Respectfully submitted,
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